IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 1181 of 2002

DATE OF DECISION : 12.09.2006

State of Haryana

.... PETITIONER

Versus

Ajit Singh and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Partap Singh, Senior D.A.G., Haryana.

Mr. Narender Hooda, Advocate,
for the respondents.

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The State of Haryana has filed this revision petition against the order dated 21.2.2002, passed by Additional Sessions Judge/Special Judge, Gurgaon, whereby charge under Section 13 (i) (d) of the Prevention of Corruption Act (hereinafter referred to as `the Act') has not been framed against the accused-respondents and accused R.N. Sharma has been discharged in case FIR No. 2 dated 18.1.2000 under Sections 217, 420, 467, 468, 471, 120-B IPC, registered at Police Station SVB Gurgaon.

2. I have heard counsel for the parties and gone through the impugned order.

3. The allegation against the respondents is that during the period from 23.3.1998 to 7.4.1998, while they were posted as Sub Registrar, Clerks in the office of Sub Registrar, Girdawar and Patwari, they colluded with each other and in criminal conspiracy, as many as 272 sale deeds were registered against the interest of Gram Panchayat, Village Haidarpur Veeran, in violation of the stay order dated 2.4.1998. It is also alleged that mutations on the basis of those sale deeds were also got sanctioned in haste in violation of the stay order. The allegation against R.N. Sharma, who was the Law Officer and who has been discharged by the trial court, is that he had not served the copy of the stay order to the Sub Registrar, however, he only verbally informed him. His inaction has resulted into sudden increase

of registration of sale deeds, entries of mutations thereon and sanctioning thereof.

4. Regarding non-framing of charge under Section 13 (i) (d) of the Act, the trial court, after perusing the material available on record, has observed that there is neither any allegation nor any material to prima facie show that any of the respondents had obtained any valuable thing or pecuniary advantage, by abusing their position, so it has been held that prima facie they have not committed any offence punishable under Section 13 (i) (d) of the Act. With regard to accused R.N. Sharma, it has been observed that at the relevant time, he was only working as Law officer representing the Gram Panchayat before the Commissioner. He had nothing to do with the execution or registration of forged and fictitious sale deed or for entering or sanctioning of the mutation on the basis of those sale deeds. Since he was only representing the Gram Panchayat before the Commissioner, therefore, at the most, his duty was to apprise the Gram Panchayat about the stay granted in its favour. He was not supposed to serve copy of the stay order to the Sub Registrar. Therefore, it cannot be said that he was in any manner connected with the execution or the sale deeds and sanction of the mutations. Undisputedly, he was not the beneficiary of the sale deeds. Thus, it was found by the trial court that there is no material against him, on the basis of which the charge could have been framed against him.

5. Counsel for the respondent-State could not point out any illegality or infirmity in the impugned order. There is neither any allegation nor any material that any of the accused had taken bribe or illegal gratification from the vendee or the vendor of the sale deeds. In absence of any such allegation or material, in my opinion, the trial court has rightly not framed charge against the respondents under Section 13 (i) (d) of the Act. Thus, I do not find any ground to interfere in the impugned order.

6. Dismissed.

September 12, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**